

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**ANYWHERECOMMERCE, INC. and  
BBPOS LIMITED,**

**Plaintiffs,**

**v.**

**INGENICO INC., INGENICO CORP., and  
INGENICO GROUP SA,**

**Defendants.**

**Civil Docket No: 1:19-cv-11457-IT**

**Jury Trial Demanded**

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**JOINT NEUTRAL STATEMENT REGARDING  
THE PRINCIPAL CLAIMS AND DEFENSES FOR TRIAL**

This trial is about a dispute between the Plaintiff, BBPOS, and the Defendants, Ingenico Inc., Ingenico Corp., and Ingenico Group SA. BBPOS and Defendants are both in the credit card processing business, including developing and selling point-of-sale devices, known as “POS” devices. A POS device is a device that is used to process a credit card or debit card transaction by a retail customer (for example, the device where a customer swipes, inserts, or taps a credit card when checking out from the grocery store). This case involves mobile point-of-sale, or “mPOS” devices. An mPOS device is a type of POS device that connects to a phone or tablet, sometimes through an audio jack.

BBPOS has alleged in this lawsuit that Ingenico misappropriated five trade secrets that relate to mPOS devices. In 2010, BBPOS entered into an Engineering Development and Licensing Agreement with ROAM Data, which was later merged into Ingenico. Under this agreement, BBPOS shared information with ROAM Data and Ingenico regarding mPOS devices. BBPOS alleges that Ingenico stole BBPOS’ trade secrets in order that it could manufacture competing

mPOS products. In addition to its claim for misappropriation of trade secrets, BBPOS has claims for breach of contract and unjust enrichment.

Defendants contend that they have done nothing wrong. They claim that the information BBPOS shared with ROAM Data and Defendants was lawfully transferred and was not trade secrets, that Defendants did not use the alleged trade secrets and that BBPOS has not suffered any damages. Ingenico also argues that BBPOS' claims are barred because it filed this lawsuit too late.

In addition to its defenses, Ingenico has brought a counterclaim against BBPOS. In its counterclaim, Ingenico alleges that BBPOS has breached the BBPOS/ROAM Data agreement because it failed to indemnify Ingenico in connection with other disputes. BBPOS claims that it wasn't provided timely notice and information regarding the disputes and challenges the reasonableness of the amounts paid and attorneys' fees incurred to settle the matters.

Respectfully submitted:

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2023, I caused to be served via electronic mail a true copy of the within document on the following counsel of record:

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